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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

VICTOR SIMILEYSKY,

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary of U.S.  
 Department of Homeland Security;  
 EMILIO T. GONZALEZ, Director of  
 U.S. Citizenship and Immigration Services;  
 GERARD HEINAUER, District Director,  
 Nebraska Service Center, U.S. Citizenship  
 and Immigration Services;  
 CHRISTINA POULOS, Director,  
 California Service Center, U.S. Citizenship  
 and Immigration Services;  
 PETER D. KEISLER, Acting U.S. Attorney  
 General, U.S. Department of Justice;  
 ROBERT S. MUELLER, III, Director of  
 Federal Bureau of Investigation,

Defendants.

No. C 07-5833 RMW

**STIPULATION TO DISMISS; AND  
 [PROPOSED] ORDER**

Plaintiff, appearing *pro se*, and Defendants, by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to dismissal of the above-entitled action without prejudice in light of the adjudication of Plaintiff and his family's adjustment of status applications (Form I-485).

Each of the parties shall bear their own costs and fees.

1 Dated: December 7, 2007

Respectfully submitted,

2 SCOTT N. SCHOOLS  
United States Attorney

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5 /s/  
ILA C. DEISS  
Assistant United States Attorney  
6 Attorney for Defendants

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8 Dated: December 7, 2007

/s/  
9 VICTOR SIMILEYSKY  
*Pro se*

10  
11 **ORDER**

12 Pursuant to stipulation, IT IS SO ORDERED.  
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15 Date:

RONALD M. WHYTE  
16 United States District Judge  
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